IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 10 OF 2006

Raman Radhakrishnan Iyer ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents.

Mr. Mandar Limaye for the petitioner.
Mr. P.M. Patil, Assistant Government Pleader, for respondent Nos. 1,2, 4 and 5

CORAM: **KSHITIJ R. VYAS, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **MARCH 22, 2006**.

P.C.

The petitioner is a resident of Hill-Crest Society at Thane which is situated on the Ghodbunder Road. Thane-Ghodbunder Road is a State Highway which connects the Ahmedabad National Highway. Heavy vehicles ply on the said Highway. It is the grievance of the petitioner as well as the other members of the society and the residents in the nearby vicinity that they are exposed to continuous pollution throughout the year and 24 hours a day. According to the petitioner, heavy vehicles ply on the road and the said vehicles have powerful horns due to which there is high noise pollution in the said area. It is stated by the petitioner that even the roads are not levelled properly

due to which there is a rumbling noise which adds to the noise pollution. Because of heavy vibrations, rumbling sounds and grinding of engines, it poses health hazards and can also make the building structure weak. According to the petitioner, number of representations have been made to the concerned authorities and since they are not properly attended to, the petitioner has invoked the writ jurisdiction under Article 226 of the Constitution of India by filing this Public Interest Litigation with prayers to (i) direct the respondents to control and regulate the noise pollution at Thane-Mira stretch, (ii) to implement the Noise Pollution (Control and Regulation) Rules, 2000, and (iii) to appoint an agency for maintaining the roads and National Highways.

2. Having heard the learned counsel for the parties at length, in our opinion, the grievance voiced in the petition, though genuine, is difficult to implement. Admittedly, Thane-Ghodbunder Road is a State Highway and due to which heavy vehicles ply on the said Highway 24 hours a day. Under the circumstances, it is neither practical nor proper for this Court to issue directions to the respondents to reduce road traffic so that the noise pollution can be curtailed. Since none of the representations has been replied, the petition can be disposed of with suitable directions as under:

(i) It will be open for the petitioner to make suitable representation pointing out the difficulties stated in the petition. The respondents shall look into the grievance of the petitioner and shall see to it that how best they can minimise the inconvenience caused to the petitioner as well as the residents by taking ameliorative measures.

(ii) The respondents shall furnish necessary information about the steps taken by them to the petitioner.

3. With these directions, the petition stands disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.